

**Minutes of the Carlisle Board of Health**  
**October 3, 2006**  
**Approved: December 13, 2006**

Present: Board members Martha Bedrosian (Chairman); Michael Holland; Jeffrey Brem; Leslie Cahill, Bill Risso; Linda Fantasia (Agent); Rob Frado (TCG), Laura Foley (Carlisle Mosquito)

The meeting was called to order at 7:30 p.m. at the town hall.

**PERSONNEL ISSUES** – Present: Doris Jaferian, Personnel Board, Douglas Stevenson, Selectmen, Alan Carpenito, Selectmen, Kelly Stringham, Conservation Commission, Cindy Nock, Recreation Commission.

Bedrosian had received a call from Stevenson that the Board of Health was not following the Town's Personnel Policies and could not increase the hours for the Administrative Assistant without following the new procedures set by the Personnel Board. The Board decided to invite members from the Personnel Board and Selectmen to discuss the issue. Bedrosian emphasized that according to M.G.L. Ch. 39, Sec 23A, the Open Meeting Law, any discussion which results in a Board decision, change in policy or position, must take place at a public meeting. Bedrosian was concerned that the private telephone conversation she had with Stevenson amounted to violating the intent of the open meeting law. She is proposing that the Board vote on a policy of prohibiting members from private, lobbying conversations which deal with public matters. These issues should only be addressed at a public meeting with full disclosure. Stevenson disagreed that he had "lobbied" the chairman, saying that his intention was a courtesy phone call to explain that the additional hours had to be approved by the Personnel Board in accordance with the new procedure.

At issue is the Board's request for additional hours for its Administrative Assistant which was initially made at a Personnel Board meeting on December, 2005. The request was made again in June 15<sup>th</sup> and additional information was submitted on 6/22/06. No action was taken by the Personnel Board as of 9/12/06, so the Board decided to proceed with increasing the hours to nineteen per week. The additional hours would be paid out of the revolving account, so there would be no impact to the town. On 9/21/06 the Board was informed that its request would have to comply with the new review procedures approved by the Personnel Board on 9/6/06. Bedrosian noted those other departments that had requested additional hours last spring were approved, but not the Board of Health. The Board feels that its request should be grandfathered due to the length of time since the original request and the lack of response from the Personnel Board.

Stevenson asked to speak to the issue and gave a brief history of the wage and salary classification plan that had been developed for the town. According to Stevenson, the purpose of the plan was to provide a town wide personnel system which would provide fair and equitable compensation based on job descriptions. This was a big accomplishment for Carlisle, and one that had the full support of the Selectmen. Under this system, the role of the Personnel Board is to consider changes to the plan and make policy recommendations to the Selectmen. The Selectmen have been very satisfied with the oversight provided by the Personnel Board and expect every municipal department to work under the Personnel Bylaw with the exception of the School Department and elected officials. Last spring it became obvious there needed to be a procedure for addressing increase in hours for a position. The Personnel Board eventually developed a new, clearer procedure so that each request would be treated the same.

Bedrosian felt there were two separate issues: the denial of the Board of Health request and the helpfulness of the new process. Stevenson said the town has the right through the Personnel Bylaw to establish standards. Holland said the new procedure does not provide a useful standard. For example, if no action is taken on a request, it is presumed to be denied. This is not a typical standard. Stevenson disagreed claiming that land use permitting may operate differently. Stevenson questioned whether the Board intended on abiding with the Bylaw or felt it had the right to do otherwise. The Board vocally disagreed stating that its support of the Bylaw was not the issue, only the handling of the Board's request for additional hours given the length of time that had lapsed. Risso said that after hearing nothing for nine months, the Board assumed it had been

approved. There was no financial cost to the town and the hours were badly needed. The office staff was having great difficulty keeping up with the work demands.

Jaferian apologized for the series of misunderstandings. The Personnel Board did not consider the 12/15/05 meeting with Bedrosian and Fantasia as a "request". Bedrosian disagreed noting that a memo justifying the additional hours was submitted at the meeting. Jaferian did not recall receiving the 12/15/05 memo. Bedrosian said the December meeting was the time to ask for more information if it was needed.

Brem said that the Board of Health had presented its request on two occasions to the Personnel Board, once in December and again in June. He asked why the Personnel Board would not consider the request under the guidelines in place at that time, rather than the new guidelines adopted in September 2006? If there were questions, the Board should have been asked to address them. Risso agreed stating that the need for more office help was a critical issue for the Board. The delay is causing problems in the office. Brem questioned whether there was a procedure spelled out in the handbook giving timelines and effective dates for developing new procedures. Jaferian was not certain. The Board again stated its frustration that such an important issue was left in limbo without any means of addressing it before now. A memo dated 10/24/06 from the Town Administrator rejected the Board's application based on insufficient information. This additional detail will take several hours to compile. The Board felt its initial request should be reviewed as presented, rather than subject to the new process. The Board asked to be on the next agenda. Stevenson noted that he had heard that the June Personnel Board was very argumentative, with a number of departments challenging the Board's decisions. Holland suggested that if board members and department heads expressed frustration, there must have been a common reason. It is the Selectmen's responsibility to address these of problems. Both Brem and Holland felt the new procedures were extreme. It was also noted that municipal departments were unaware that the new procedures were on the Personnel Board agenda on 9/7/06. Given the number of departments that had the same request, this meeting would have been an opportunity to provide input. The Board agreed to ask the Personnel Board to consider the request as submitted and to check how the information was provided by the other departments that were approved prior to the new procedures.

The Board then asked Stevenson to address another matter involving its staff (Fantasia and deAlderete) and the Town Administrator. Both staff members complained to the Board about an incident where they felt publicly humiliated by the Town Administrator. Stevenson said that charges should not be made in a public meeting without substantiation. Risso said any circumstance that involves a hostile work environment needs to be addressed immediately. Employees need to feel safe in their work environment even while a complaint is being investigated. Bedrosian said there have been other instances and the Board will provide details. Jaferian said there is a procedure for addressing complaints, but it should not be in a public meeting. Brem said the Board would provide the circumstances in the correct form. Bedrosian said it is important for Board members and department heads to have input in the town administrator's review. If there is no mechanism to bring up problems, they will not be addressed and frustration will continue to build. It is a very small work group and not good to leave problems unresolved. She thought the Selectmen had agreed to work on an evaluation tool last year, but had not heard anything. The Board agreed to pursue two issues: how to improve communication among all town employees, and to provide specific details of the recent complaint.

**21-23 BEDFORD ROAD** – proposed addition. Present for the meeting was Joseph March of Stamski & McNary, Peter and Laura Chelton, owners, and Holly Cratsley, architect.

At a previous meeting, the Board directed the new owners to investigate the system capacity before approving a proposed renovation. The system had passed a title 5 inspection in 2005 upon replacement of the tank. Acton Concord excavated the distribution box and snaked the lines. There were no problems. March checked the peastone which was clean. He submitted a plot plan showing that the garage addition in the back will maintain the minimum setback distances to the tank and field.

There is no record of a permit for the existing system or plans on file. March said that according to Title 5, a system only needs to be upgraded if a proposed addition results in more rooms than the system capacity. The Chelton renovations will not result in an increase in flow to the system greater than existing capacity. The proposed plan calls for fifteen rooms, including the apartment. Currently there are sixteen rooms in the

house, so there will be a net reduction in rooms. Fantasia did a walk through and verified the existing room count. The structure is in a severe state of disrepair and is structurally unsound. Holland said that without any information to the contrary, the property appears to have a legal system that is functioning properly. The proposed renovation is in keeping with the grandfathered capacity of that system.

Bedrosian asked whether there should be a conceptual plan for when the system fails. The Board agreed this is not normally required if the current system is working properly. March said there is a new 1500 gallon septic tank. Assuming a 10mpi percolation rate the property would require a 60x40' system. This could be sited approximately 90' from the lot line. Nitrogen loading does not apply to existing properties.

It was moved (Holland), seconded (Brem) to approve the proposed renovations dated 9/25/06 for 21-23 Bedford Road, owned by Chelton, in that the applicant has demonstrated that the construction is in compliance with 310 CMR 15.00 and therefore does not require a system upgrade.

## **DISCUSSION ITEMS**

**COVENTRY WOODS** – The Board reviewed the revised site plan dated September 15, 2006. The development now has three rather than five soil absorption systems. They are all pressure dosed and based on groundwater mounding analysis. Three former systems, “C”, “D” and “E” have been combined into one large system. This system is the closest one to the Epstein property. Brem had spoken with Gerry Preble of Beals & Thomas about the possibility of incorporating alternative technology, such as the Presby System, to reduce the height and grading of this system. The Board agreed that it would be appropriate to include a groundwater monitoring well between this system and the Epstein property line. The Board also noted that the drainage collection system should be reviewed although this is not under the Board’s jurisdiction. Frado will be asked to estimate the cost of reviewing the pressure dosed systems so that the Board can set an appropriate fee. The Board learned from the last multi-family development, that there will be a number of additional inspections needed to tie each building into the system. The Board would like to collect as much of this fee in advance as possible.

The Board noted that the abutters would still prefer a hydrological study. The Board is satisfied with DEP’s review process for the wells. Holland said that if there are any questions, the state has access to experts in the field. Holland agreed to check with Jim Persky of DEP about setting up an informational meeting with abutters to go over the pump test results. All of the data collected will be reviewed by DEP even though the state is only requiring three abutters’ wells to be tested. The Board is comfortable that DEP will do a thorough and expert review of the data, more so than the Board of Health could do. Passing this information along to abutters should be very helpful.

**LAUREL HOLLOW** – The Board reviewed the status of the final Board of Health checklist. The Building Inspector will not issue the final occupancy permit until all conditions are satisfied. The two final items for Board of Health involve the financial guaranty and overseeing ongoing maintenance. The Board will ask Larry Barton, Finance Director, to review any proposed financial guaranty. The Board will also require an as-built of the water system along with a narrative of how the system is intended to operate.

**ST IRENE’S RECTORY** – a reminder was sent that the metered flows need to be submitted annually. The Rectory flows were tied into the Church system conditional that they do not exceed 50% of the system capacity (1980GD). The response shows that the cumulative flows are well within the capacity of the existing soil absorption system.

**PERMITTING DATABASE** – Fantasia met with Paula Bertram of Bertram Consulting to discuss purchasing a Title permitting database. The software would be a stand alone application. The Conservation Commission has purchased the wetlands permitting package. The software does not interface with GIS. There are other permitting and planning software applications that work on GIS which would make more sense for the department.

**BILLS – It was moved (Bedrosian), seconded (Brem) and unanimously voted to approve the bills as presented.**

There was no further business discussed. Meeting voted to adjourn at 10:00 pm

Respectfully submitted,

Linda Fantasia  
Recorder